HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.19390 of 2004

Dated 5th day of October, 2007

Between:

Iswarya Granites, rep. by its
Proprietrix, K.Vijaya, Mutharapalle village .. Petitioner

And

The Divisional Electrical Engineer (Operation)
A.P. Southern Power Distribution Company Ltd.,
Chittoor
and two others .. Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents in disconnecting the power supply to the petitioner's industry bearing Service Connection No.00607001789 at Kukkalapalle village without considering the representations made by the petitioner, is arbitrary and illegal.

The case of the petitioner is that it is a small-scale industry and on an application being filed for supply of power connection to its industry, the respondents installed Mini Transformer and supplied the electricity in the month of March, 2003. Since then, the petitioner-factory is being run and consumption charges are being paid without any default. While so, the respondents-authorities issued a Bill dated 25.4.2003 directing the petitioner to pay a total sum of Rs.1,51,906/- including energy charges of Rs.50,881.60, fixed charges of Rs.12,568/-, customer charge of Rs.750/-, electricity duty of Rs.792.96 and other charges of Rs.86,913/-. Similarly, in the month of May, 2003, the respondents issued another Bill directing it to pay Rs.1,69,264.06 which is inclusive of Rs.93,800/- towards other heads, but the petitioner has nothing to do with the other charges of Rs.86,913/- and Rs.93,800/- towards other heads and is not supposed to pay them. Now, the grievance of the petitioner is that though it made representations dated 26.5.2003 and 13.6.2003 seeking clarification of the amounts under other heads and requesting to issue rectified bill by waiving those amounts, the respondents, instead of considering its representations, disconnected the power supply.

In spite of the fact that notices were served on the respondents, they have not filed counter affidavit.

Heard the learned counsel for both the parties.

This Court, while ordering Rule Nisi, directed the respondents to restore the power supply to the petitioner. As the factum of giving representations by the petitioners is not in dispute, this Court deems it appropriate to direct the respondents to consider the representations and pass appropriate orders in accordance with law. As the power supply was restored in compliance of the interim direction given by this Court, the respondents are hereby directed to continue to give power supply to the petitioner-factory pending consideration of the representations.

With the above direction, this writ petition is disposed of. No costs.

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05.10.2007

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